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October 17, 2007

Hon. Kevin Martin
Chairman
Federal Communications Commission
445 12th Street SW
Room: 8-B201
Washington, DC 20554

Re: NFL Network and Other Independent Programmers

Dear Chairman Martin:

I am writing to follow up on a number of constituent letters and emails I have received complaining that the cable systems to which they subscribe in New York are refusing to carry the NFL Network. Many of those letters also note that those cable systems require them to purchase other sports networks -- such as MSG Network and SNY -- that those constituents never watch; and that my constituents are troubled by cable companies' discrimination against the NFL Network and against high-quality non-sports independent channels in favor of less popular channels that the cable companies own.

I turn to you since I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider program carriage issues such as these -- particularly as they relate to independent and diverse channels.

I have seen a number of recent press stories noting that -- just like the NFL Network and other independent sports channels -- non-sports independent channels face discrimination from big cable companies that own channels of their own, and that some independent channels like the Oxygen Network are choosing to sell themselves to large media holding companies rather than to try to continue as stand-alone businesses. It is a disturbing trend since this increasing concentration will reduce media diversity and consumer choice.

I also note that in connection with another high-profile sports channel carriage dispute -- the one between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005 -- the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach

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a negotiated solution. I would urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with the NFL Network before my constituents are deprived of NFL Network game telecasts that begin this season on Thanksgiving night.

Thank you for reviewing these matters.

Sincerely,



Tony Avella
Chair – Zoning & Franchises
Council Member
District 19 – Northeast Queens

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell